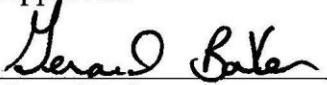

 <p>National Park Service U.S. Department of the Interior</p> <p>Superintendent's Compendium Of Designations, Closures, Permit Requirements and Other Restrictions Imposed Under Discretionary Authority.</p> <p>Approved:  Gerard Baker, Superintendent</p> <p> Date</p>	<p>Mount Rushmore National Memorial</p>	<p>13000 Highway 244 Building 31, Suite 1 Keystone, SD 57751</p>
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In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (36 CFR), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following regulatory provisions are established for the proper management, protection, and government and public use of those portions of MOUNT RUSHMORE NATIONAL MEMORIAL (hereafter, the Memorial) under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

- (a)(1) **The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity. These closures are established for reasons of public health and safety, protection of environmental and scenic values, and protection of natural and cultural resources.**

Closures and Restrictions in Memorial Areas:

- (i) The legal visiting hours for the visitor services areas at the Memorial, including the visitor parking lots, walkways, Avenue of Flags, Grand View Terrace, Amphitheater, Presidential Trail, and all immediately adjacent areas will be as follows: Scheduled open hours will be from 5:00 a.m. to 11:00 p.m; the visitor services areas will be closed from 11:00 p.m. to 5:00 a.m. These hours may change with permission by the superintendent or his/her representative for special events at the Memorial, or for individuals or groups with a permit specifying activities allowed to occur after legal visiting hours.

DETERMINATION:

Due to the icon park status of the Memorial, security is always a priority. After dark, when all park buildings are locked and the sculpture is no longer illuminated, visitation poses a risk to the Memorial and to the safety of the public. Since our main road is a state highway, we cannot close our entire boundary, so late night visitors wishing to star gaze, photograph the night sky, or partake in other legal activities outside of the areas mentioned above are allowed.

- (ii) All or any portion of the Memorial may be temporarily closed due to wildfire and/or fire management activities which could be a threat to personal safety.

DETERMINATION:

Wildland fire, whether prescribed or not, poses a public safety hazard.

- (iii) All or any portion of the Memorial may be temporarily closed for special events at the Memorial.

DETERMINATION:

During special events at the Memorial, there is limited space available to manage an operation. Therefore, areas that are usually open to the public may be restricted for management or public safety reasons.

- (iv) All or any portion of the Memorial may be temporarily closed for administrative purposes, adverse weather, natural disasters or other emergencies.

DETERMINATION:

Adverse weather, natural disasters, and other emergencies in the Black Hills at times make travel extremely dangerous for park employees and for park visitors. In order to protect the safety of all, during these times the superintendent may close all or a portion of the Memorial in order to limit travel.

- (v) The areas around the mountain carving are closed to all public access. The CLOSURE area is described as: following the Presidential Trail around the base of the mountain on the east and south; following the old road bed to the south and west; along Highway 244 on the west and to the north; cutting in a direction east, northeast through a valley known as Green Valley; cutting back south, returning to the Presidential Trail, completely encircling the sculpture, as defined by signs, posts, and grid coordinates.

DETERMINATION:

The closure of all public access at this portion of the Memorial is necessary for the protection of an irreplaceable cultural resource. The carving of Mount Rushmore occurred between 1927 and 1941 and since that time has become a symbol of America's freedom and democracy. It is cherished by many people, but has the potential to attract others that wish to do it harm. To deter human threats and to protect Mount Rushmore

for future generations to enjoy, it is necessary to deny public access to the sculpture and the areas immediately adjacent to it.

- (vi) Other areas of the Memorial closed to the general public include the waste water and water treatment plants, the water storage tank, park housing, and the repeater tower.

DETERMINATION:

The closure of the waste water and water treatment facilities to public access is necessary for the maintenance of public safety and the implementation of management responsibilities. The park housing area is closed to public access to protect the privacy of its residents. The repeater tower is necessary for all radio communication throughout the Memorial and any tampering with it would hinder park operations.

- (vii) Areas closed to the general public may be entered by persons or groups only if led or directed by authorized National Park Service employees, as approved by the Superintendent or his/her representative if such access does not compromise security or environmental, scenic, natural, and cultural values.

DETERMINATION:

Management of the Memorial requires that certain personnel are allowed in areas of the park that are closed to the public. This is necessary for the protection of natural and cultural resources, the maintenance of public safety, the implementation of management responsibilities, and as an aid to scientific research.

Closures and Restrictions of Trails:

- (i) Trails may be closed temporarily due to wildfire and/or fire management activities which could be a threat to personal safety.

DETERMINATION:

Wildland fire, whether prescribed or not, poses a public safety hazard during certain weather conditions.

- (ii) Trails may be closed for special events at the Memorial.

DETERMINATION:

During special events at the Memorial, there is limited space available to manage an operation. Therefore, trails that are usually open to the public may be restricted for management and public safety reasons.

- (iii) Trails may be temporarily closed for administrative purposes, adverse weather, natural disaster, or other emergencies.

DETERMINATION:

Adverse weather, natural disasters and other emergencies in the Black Hills at times make travel extremely dangerous for park employees and for park visitors. In order to protect the safety of all, during these times the superintendent may close all or a portion of the Memorial in order to limit travel.

Closures and Restrictions of Road and Parking Areas:

- (i) Allowing vehicles with diesel engines or any vehicle which produces noxious exhaust to idle, except while actually loading or unloading passengers, is prohibited. This does not preclude vehicles from reasonable warm-up times away from concentrated visitor use or residential areas.

DETERMINATION:

The location of commercial bus parking is on either on side of the main entrance to the visitor services area of the Memorial. Idling diesel engines produce noise and odor that interfere with the comfort of our visitors, and due to the location of the parking, the visitors would have a difficult time avoiding the nuisance.

- (ii) All roads and parking areas are subject to temporary closure due to wildfire and/or fire management activities.

DETERMINATION:

Wildland fire, whether prescribed or not, poses a public safety hazard during certain weather conditions.

- (iii) All roads and parking areas are subject to temporary closure before, during and after special events at the Memorial or as long as needed for the event.

DETERMINATION:

During special events at the Memorial, there is limited space available to manage an operation. Therefore, roads and parking areas that are usually open to the public may be restricted for management and public safety reasons.

- (iv) All roads and parking areas are subject to temporary closure as indicated by sign or other means of notification for administrative purposes, or periods of adverse weather, natural disaster, or other emergency.

DETERMINATION:

Adverse weather, natural disasters, and other emergencies in the Black Hills at times make travel extremely dangerous for park employees and for park visitors. In order to protect the safety of all, during these times the superintendent may close all or a portion of the Memorial in order to discourage travel.

- (v) Service and administrative roads and certain parking areas are closed to non-official vehicles and will be so designated by signs, locked gates, and/or will be

administratively controlled. These closed roads and parking areas include the Administration road and Administration parking lot, the parking area behind Xanterra loading dock, Cliffside Parking, Lots 6 and 7, Sculptor's Studio access road and parking lot, Burn Pit road south of the gate (no vehicles may block access), Xanterra Dorm road and the adjacent overflow parking lot, Waste Water Treatment road, Bone Yard access road, and Doane Mountain Road. Any or all of these roads and parking areas may be opened for limited access during an event or with a permit signed by the superintendent or his/her representative.

DETERMINATION:

Adverse weather, natural disasters, and other emergencies in the Black Hills at times make travel extremely dangerous for park employees and for park visitors. In order to protect the safety of all, during these times the superintendent may close all or a portion of the Memorial in order to discourage travel.

II. 36 CFR §1.6(f) – ACTIVITIES THAT REQUIRE A PERMIT

The following is a compilation of those activities for which a permit from the superintendent or his/her designee is required:

36 CFR REGULATION	ACTIVITY
§2.4(d)	Carry or possess a weapon, trap, or net
§2.5(a)	Specimen collection (Taking of plants, fish, wildlife, rocks, or minerals).
§2.10(a)	Camping
§2.12(a)(3)	Operating a chain saw in developed areas
§2.12(a)(4)	Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
§2.17(a)(3)	Delivery or retrieval of a person or object by parachute, helicopter, or other airborne means
§2.37	Soliciting or demanding gifts, money goods, or services
§2.38(a)	Use, possess, store, or transport explosives, blasting agents, or explosive materials
§2.38(b)	Using or possessing fireworks or firecrackers
§2.50(a)	Conducting special events, such as sports events, pageants, regattas, public spectator attractions, entertainment, ceremonies, and similar events

§2.51(a)	Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views
§2.52(a)	Distribution of printed matter
§2.60(b)	Running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in the Memorial for agricultural purposes
§2.61(a)	Residing on federal land
§2.62(b)	Scattering of human ashes
§5.1	Commercial notices or advertisements that are displayed, posted, or distributed
§5.3	Engaging in or soliciting any business
§5.5(a) and §5.5(b)	Commercial photography, including moving and still photography involving the use of professional casts, crews, or models
§5.6(c)	Use of commercial vehicles on park area roads when such use is necessary for access to private lands situated within or adjacent to the Memorial, to which access is otherwise not available.
§5.7	Construction of a building, facility, trail, road, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon, across, over, through, or under the Memorial
§6.9(a)	Operation of a solid waste disposal site
§14.6	Rights-Of-Way

DETERMINATION:

Title 16 United States Code § 1 directs the National Park Service to "...regulate the use of the Federal areas known as national parks...." Title 16 United States Code § 3 directs the Secretary of the Interior to "...make and publish such rules and regulations... necessary or proper for the use and management of the parks...under the jurisdiction of the National Park Service..." Title 36 Code of Federal Regulations meets these statutory requirements (in part) and identifies the above listed activities as those to be regulated by a permit issued by the superintendent or his/her designee.

III. GENERAL REGULATIONS

36 CFR §2.1 – PRESERVATION OF NATURAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES

- (a)(4) Dead and downed wood within the Memorial may be collected for personal use.

DETERMINATION:

Dead and downed wood is excessive within the Memorial. Management of the resource includes thinning and cutting trees and downed limbs, and constructing slash piles for eventual burning. Any amount of downed wood taken from the Memorial will aid in fuel reduction.

- (c)(1) Fruits, nuts, and berries may be gathered by hand for personal use or consumption.

DETERMINATION:

Collection of edible fruits, nuts, and berries for personal consumption may be an enjoyable activity for the Memorial visitors. These natural products are renewable, and may be collected without negatively impacting the growth and replenishment of the producing plant.

36 CFR §2.2 – WILDLIFE PROTECTION

- (d) The transporting of lawfully taken wildlife through the park is permitted providing that the animal is in or attached to the vehicle or trailer. The animal must be tagged appropriately as required by state law and the hunter must be in possession of a valid hunting license.

DETERMINATION:

The Memorial is regularly visited by hunter traveling to or from a hunt. If they are transporting game through the park, appropriate state laws apply.

- (e) The Memorial is closed to viewing wildlife with an artificial light.

DETERMINATION:

Artificial light is often used by poachers during their illegal taking of wildlife. Preventing this method of viewing wildlife makes detecting wildlife violations more successful, it makes criminal cases stronger in court, and it prevents wildlife disturbance while feeding, mating, and other activities that are necessary for them to survive.

36 CFR §2.10 – CAMPING AND FOOD STORAGE

- (a) The Memorial is closed to camping year-round, which includes parking of a motor vehicle, motor home or trailer for the apparent purpose of overnight occupancy.

DETERMINATION:

There are ample camping opportunities in the Black Hills National Forest, which almost entirely surrounds the Memorial. As part of protecting the sculpture, resources, and park property, the Memorial closes to visitors at 11:00 pm. There are no designated campsites within the Memorial.

36 CFR §2.13 – FIRES

- (a)(1) The Memorial is closed to open fires, with the exception of park residential areas. Fires are allowed in the designated areas of park housing and Xanterra dormitory with a permit signed by the superintendent or his/her representative. Employees living in park houses as required occupants may have campfires without a permit. However, they must adhere to the Guidelines for Minimum Acceptable Safety Requirements for Outdoor Fireplaces as set forth by the South Dakota Department of Agriculture's Wildland Fire Suppression Division.
(See www.state.sd.us/doa/wfs)

DETERMINATION:

There are no fire receptacles anywhere in the Memorial, except park housing and Xanterra dormitory. Fires outside of proper receptacles pose unnecessary risk to park resources.

- (a)(2) The Memorial is closed to the use of a stove or lantern in a manner that threatens, causes damage to, or results in the burning of property or Memorial resources, or creates a public safety hazard.

DETERMINATION:

The Memorial does not currently have any type of picnic area or accommodations for visitors to cook their own food. Therefore, visitors are allowed to use their own equipment for cooking, as long as the above criteria are met.

- (c) During periods of high fire danger, the superintendent may close the entire Memorial to the lighting or maintaining of a fire.

DETERMINATION:

During extremely dry conditions, a closure is necessary to protect the resources and visitors.

36 CFR §2.15 – PETS

- (a)(1) The following areas of the Memorial are closed to pets: Main walkways, Nature Trail, Borglum Court, Restrooms, Information Center and Bookstore, Avenue of Flags, Concession facilities, all viewing terraces including the Grand View Terrace and Borglum View Terrace, Visitor Center, Amphitheater, Presidential Trail, Sculptor's Studio, and all areas immediately adjacent to those listed. This regulation does not apply to service animals. Designated "Pet Exercise Areas" are available as the grassy areas surrounding the main parking complex.

DETERMINATION:

This use restriction to possessing a pet in all structures and main public use areas of the Memorial is necessary for the protection of cultural resources, the maintenance of public safety, the minimization of visitor conflicts, and the implementation of management responsibilities.

- (a)(5) It is the owner's responsibility to clean up after his/her pet in the "Pet Exercise Areas." Plastic bags will be furnished by the park in these areas.

DETERMINATION:

This requirement is for the maintenance of public health and safety. Less restrictive measures will not suffice because of the potential sanitary and health threat to the public.

- (e) Pets may be kept by residents of park areas consistent with the provisions of this section and in accordance with conditions which may be established by the superintendent.

DETERMINATION:

Government employees assigned to park housing in which pets are permitted must meet conditions that protect park resources and government property. These conditions are identified in the park's Housing Management Plan.

36 CFR §2.16 – HORSES AND PACK ANIMALS

- (b) The use of horses or pack animals is restricted to Lot 7 and the Blackberry Trail, unless the horses or pack animals are in a trailer in public parking areas.

DETERMINATION:

Restrictions on locations for stock use are necessary to protect the resources from unacceptable damage and to avoid conflict among visitor use activities.

36 CFR §2.20 – SKATING, SKATEBOARDS, AND SIMILAR DEVICES

The use of roller skates, skateboards, roller skis, coasting vehicles, or similar devices is prohibited, except in the NPS residential area and the Xanterra dorm area.

DETERMINATION:

Roller skates, skateboards, roller skis, coasting vehicles, and other such devices may create hazardous conditions when used on the same roadways as vehicles or on walkways traveled by pedestrians. They additionally cause damage to natural resources when used off pavement or other hard surfaces. Since NPS residential area and Xanterra dorm area are closed to the public, vehicle and foot traffic are minimal resulting in a safer place for park residents to recreate.

36 CFR §2.21 – SMOKING

- (a) Smoking is prohibited in all of the Memorial buildings and the amphitheater, and may be prohibited in all or any portion of the Memorial during periods of high fire danger, as established by fire weather data.

DETERMINATION:

Certain areas are restricted to protect public health and to protect structures or resources from fire danger or smoke.

36 CFR §2.51 – PUBLIC ASSEMBLIES, MEETINGS

- (e) Public assemblies or meetings are allowed at the time and locations pursuant to the terms and conditions of a permit that has been issued by the superintendent. Conditions for issuance of a permit are available in the office of the superintendent, and are also available online at <http://www.nps.gov/moru/planyourvisit/permits.htm>. A map of areas allowed for such activity is on file in the office of the superintendent, online at the above web address, and is also attached. Areas where such activity is allowed are as follows: Area 1: The “Greenway” area of pedestrian trails leading from the visitor parking lot to the visitor services area; Area 2: The walkway from the pergola (columned/arch pedestrian entrance structure) to the back side of the concession building; and Area 3: The amphitheater stage and seating area. No other areas of the Memorial are designated for such activity. All such permitted activity must fully comply with 36 CFR 2.51.

DETERMINATION:

A permit is necessary to manage public assemblies and meetings in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors, while allowing for First Amendment rights.

36 CFR §2.52 – SALE OR DISTRIBUTION OF PRINTED MATTER

- (e) The sale or distribution of printed matter is allowed at the time and locations pursuant to the terms and conditions of the permit issued by the superintendent. Conditions for issuance of a permit are available in the office of the superintendent, and are also available online at <http://www.nps.gov/moru/planyourvisit/permits.htm>. A map of areas allowed for such activity is on file in the office of the superintendent, online at the above web address, and is also attached. Areas where such activity is allowed are as follows: Area 1: The “Greenway” area of pedestrian trails leading from the visitor parking lot to the visitor services area; Area 2: The walkway from the pergola (columned/arch pedestrian entrance structure) to the back side of the concession building; and Area 3:

The amphitheater stage and seating area. No other areas of the Memorial are designated for such activity. All such permitted activity must fully comply with 36 CFR 2.52.

DETERMINATION:

A permit is necessary to manage sale or distribution of printed matter since such activities may conflict with the overall safety of visitors and employees, the right of park visitors to have free and unencumbered passage throughout park facilities, the right of park visitors to enjoy park values without non-value related intrusions, and basic operational needs.

36 CFR §4.30 – BICYCLES

- (a) The operation of a bicycle is prohibited in the entire Memorial, except on Highway 244, Highway 16A, and in visitor parking areas.

DETERMINATION:

Bicycles may create hazardous conditions when ridden on the same walkways traveled by pedestrians. They additionally cause damage to natural resources when used off pavement or other hard surfaces.